

Please type a plus sign (+) inside this box → ☐

PTO/SB/05 (4/98)
Approved for use through 09/30/2000 OMB 0651-0032
Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. 2207/6929

First Inventor or Application Identifier NEWELL, Donald K. et al.

Title SYSTEM FOR CONTROLLING USE etc.

Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

1. ☒ * Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Specification [Total Pages 15]
(preferred arrangement set forth below)
- Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 3]
4. Oath or Declaration [Total Pages]
- a. ☐ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 16 completed)
- i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

* NOTE FOR ITEMS 1 & 13 IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

5. ☐ Microfiche Computer Program (Appendix)
6. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Copy
- b. ☐ Paper Copy (identical to computer copy)
- c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & document(s))
8. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
9. ☐ English Translation Document (if applicable)
10. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
11. ☐ Preliminary Amendment
12. ☐ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
13. ☐ * Small Entity Statement(s) ☐ Statement filed in prior application
(PTO/SB/09-12) Status still proper and desired
14. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
15. ☐ Other:

16 If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. _____ / _____

Prior application information Examiner _____ Group / Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☒ Correspondence address below

Name	John C. Altmiller				
Address	KENYON & KENYON 1500 K Street, N.W., Suite 700				
City	Washington, D.C.	State		Zip Code	20005-1257
Country	U.S.A.	Telephone	(202) 220-4200	Fax	(202) 220-4201

Name (Print/Type)	John C. Altmiller	Registration No. (Attorney/Agent)	25,951
Signature		Date	12/30/99

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

TITLE OF INVENTION:

SYSTEM FOR CONTROLLING USE OF BROADCAST CONTENT

INVENTORS:

Donald K. Newell
David W. Doerner
Rajiv Choudhary

SYSTEM FOR CONTROLLING USE OF BROADCAST CONTENT

Field of the Invention

5 The present invention relates generally to the field of broadcast television, and in particular to system for controlling use of broadcast content.

Background of the Invention

10 Numerous broadcast environments are being defined and developed for delivering a combination of television and ancillary data services to recipients. Such broadcast environments include, for example, digital broadcast standards defined by the Advanced Television Systems Committee (ATSC) and the Digital Video Broadcasting (DVB) group for digital television in Europe, the United States, and elsewhere throughout the world. One contemplated use of such broadcasts is to concurrently transmit content for television
15 shows (e.g., audio and video content embodied in MPEG-format signals) and other digital content (e.g., electronic magazines, HTML pages, subscription content). Other digital transmission environments, such as the Internet, are also becoming capable of effectively delivering high-quality audiovisual material in conjunction with other content. Yet another way in which such enriched content can be provided is through VBI (vertical blanking
20 interval) over analog television signals.

 This trend towards enriched broadcast content has raised significant issues relating to, for example, unauthorized copying and/or distribution of video content, and fair compensation of content providers commensurate with use. These issues are similar to those faced by providers of DVDs (digital versatile discs), which have become a popular
25 alternative to videotapes for in-home movies. One approach to addressing at least some of these issues was attempted in connection with the now-defunct Divx/DVD platform developed by Digital Video Express, LP of Herndon, Virginia. The Divx approach involved the use of an enhanced DVD player and an enhanced DVD. The player included

a modem for communicating billing information to a Divx host computer and a secure memory chip used to decrypt Divx movies. Each Divx disc included an individualized serial number which the player read and stored the first time the disc was inserted.

Information stored on the disc and in the player was then used to determine the appropriate price for the movie. When the customer began playing a movie, the viewing period for that copy of the movie also began. More specifically, the player allowed the properly-identified disc to be played for a set length of time (which was also stored in secure memory on the player). During this set period of time, the disc was completely

"unlocked," allowing the customer to view the content as many times as desired. The modem was used to call the Divx host computer on a regular schedule for billing purposes, and then to refresh billing information maintained by the player. If the player was unable to contact the host computer for any reason (e.g., communications problems), the player would prevent further playback after a predetermined period of time to avoid additional charges that might go unpaid.

Although the Divx approach addressed certain control issues with respect to directly-distributed digital content provided on DVDs, there is currently no system for providing comparable protections and features in connection with broadcast content.

Summary of the Invention

The present invention relates to a system for controlling use of broadcast content. In accordance with a particular embodiment, the system includes a receiver in communication with a source of broadcast content. The receiver includes, or is coupled to, a playback device. The receiver is configured to control the use of received broadcast content through the playback device in accordance with control information embedded in the broadcast content.

Brief Description of the Drawings

Fig. 1 is a block diagram showing a system for controlling use of broadcast content in accordance with an embodiment of the present invention.

Fig. 2 is a block diagram illustrating a particular implementation of a receiver
5 suitable for use in connection with the embodiment shown in **Fig. 1**.

Fig. 3 is a flow diagram showing a general method for controlling use of broadcast content in accordance with an embodiment of the present invention.

Detailed Description

10 The present invention relates to a system for controlling use of broadcast content. In accordance with particular embodiments described herein, a system is provided for implementing "pay-per-use" television broadcasts, wherein television shows and other content can be provided in such a way that a user is charged only when the content is viewed or otherwise consumed. This is in contrast to existing pay-per-view (PPV)
15 arrangements, where programming is typically only authorized for viewing during the time of broadcast.

Referring now to **Fig. 1**, in accordance with a first embodiment of the present invention a system **10** for controlling use of broadcast content includes a receiver **12** in communication with a broadcast content source **16**. Receiver **12** is coupled to a playback
20 device **14**. As shown, broadcast content source **16** transmits a broadcast stream **18** that is received by receiver **12**.

In this embodiment, broadcast stream **18** comprises a substantially continuous stream of digital data which may or may not be interspersed with other types of information. In one particular implementation, broadcast stream **18** comprises an analog
25 television signal with digital data interspersed therein using, for example, VBI techniques known in the art. Alternatively, broadcast stream **18** may comprise digital content transmitted by broadcast content source **16** in accordance with any of a large number of

well-known protocols, including but not limited to MPEG2 and IP (Internet Protocol). In such an implementation, digital content can be transmitted as encapsulated data, such as IP data included within (i.e., "tunneled" within) private sections of an MPEG2 data stream, or the digital content can be transmitted as a native type on an MPEG2 transport stream using, for example, well-known protocols in the MPEG family of standards such as DSM-CC Download Protocol, Data Carousel, and Object Carousel. Such transmission techniques are well known in the art, and the present invention is not intended to be limited to any particular transmission technique or communications protocol.

Still referring to the embodiment illustrated in **Fig. 1**, broadcast content source **16** may be a facility operated by an originator of the digital content transmitted within broadcast stream **18**, or may be a facility operated by an entity transmitting digital content obtained from a content provider (not shown). Both scenarios are commonplace, and the present invention is not intended to be limited in this regard.

In accordance with the embodiment shown in **Fig. 1**, broadcast stream **18** includes descriptive information (not shown), called a "descriptor," which defines the manner in which the digital content included in broadcast stream **18** may be used. For example, as is discussed further below, the descriptor may define whether a television show, a movie, or other digital content within broadcast stream **18** can be recorded for viewing at some later time. Likewise, the descriptor can include information relating to the number of times that the digital content may be viewed, the cost for viewing (e.g., on a per-viewing basis), and how long the digital content may be viewed (e.g., a predefined length of time, a date range). In this particular embodiment, receiver **12** interprets and acts upon the information carried in the descriptor. In other embodiments, it is possible to configure playback device **14** or some other component of system **10** to perform some or all of the functionality of receiver **12** with respect to processing the descriptor. Likewise, it is possible to configure receiver **12** or such other components to include defaults with respect to authorized uses of

digital content that will be applied in the event that broadcast stream **18** either lacks a descriptor or includes invalid/insufficient descriptive information.

Still looking at the embodiment in **Fig. 1**, receiver **12** can be implemented on a high-powered, CPU-driven platform that includes appropriate hardware and software for processing broadcast stream **18**, and particularly any descriptor or similar authorization information included therein. Alternatively, receiver **12** may comprise, for example, a specially-configured converter box of the type commonly used in connection with cable or satellite television systems. Indeed, there is a broad spectrum of devices suitable for use as receiver **12** depending, for example, on the level of functionality and processing capability required for any particular implementation. Again, the present invention is not intended to be limited in this regard.

As note above, logic in receiver **12** interprets and acts upon the descriptor in broadcast stream **18**, determining, for example, whether digital content can be stored for display and charge-back at some later time. Through its connection to playback device **14**, receiver **12** is also able to determine when recorded content is played back or otherwise consumed, and includes a mechanism for remunerating the content provider (e.g., the administrator of broadcast content source **16**). In accordance with particular implementations, receiver **12** may be adapted to ensure that content can only be played or consumed on the particular system **10** which received and recorded the content, thereby providing protection against unauthorized copying and use.

Still referring to **Fig. 1**, playback device **14** can be any device capable of rendering digital information. Where the digital content including in broadcast stream **18** comprises audiovisual content, such as a television show or a movie, playback device **14** may be a standard DVD player, a digital VCR (videocassette recorder) or a digital VCP (videocassette player) connected to a television or a video monitor. Alternatively, playback device **14** can be a computer monitor with associated driver software.

Persons skilled in the art will further recognize that playback device **14** can simply be an output device for rendering digital content, or it can include logic for performing additional functions, including but not limited to functions related to payment for viewing or otherwise consuming digital content. Moreover, it will be appreciated that playback
5 device **14** may be a stand-alone component, or may be incorporated into receiver **12**. Such considerations are merely implementation details, and the present invention is intended to encompass all possible configurations.

Fig. 2 illustrates in block diagram form a receiver of the type suitable for use in connection with the embodiment shown in **Fig. 1**. In this example, receiver **20** is
10 implemented using a standard personal computer, although many other types of devices could be used as discussed above. As illustrated, receiver **20** includes a demultiplexor **22** configured to receive broadcast stream **18** from broadcast content source **16** (as described above). Demultiplexor **22** is responsible for initial processing of broadcast stream **18**, performing high-level validity checks and determining the nature (e.g., transmission
15 protocol) of the received digital content. Demultiplexor **22** may also be configured to buffer portions of broadcast stream **18** to enable further processing in blocks of data having a predetermined size.

Demultiplexor **20** forwards blocks of data extracted from broadcast stream **18** to a data interface **24** that is configured to perform datatype-specific processing. To facilitate
20 such processing, demultiplexor **20** may attach a header to the blocks of data including such information as the datatype for the block and its length. Data interface **24** is responsible for identifying and extracting relevant data (e.g., the non-audiovisual components) from broadcast stream **18**. To this end, data interface **24** includes datatype-specific submodules for the various datatypes that it is configured to process. In this particular implementation,
25 data interface **24** includes an IP Data module **26**, a DSM-CC Data module **28**, and a PES (packetized elementary stream) Data module **32**. In addition, data interface **24** includes a general Other Data and Descriptors module **30**. This latter module is configured to process

any descriptor or other authorization information included in broadcast stream **18**, as discussed above, as well as any datatypes for which data interface **24** has no datatype-specific processing module.

Data interface **24** passes the data that it processes to a consumer module **34** coupled thereto. In the implementation illustrated in **Fig. 2**, consumer module **34** is configured to perform the majority of the processing relating to controlling the use of content transmitted in broadcast stream **18**. To this end, consumer module **34** includes logic for interpreting and acting upon the descriptor or similar information passed to it by data interface **24**. Consumer module **34** may, for example, interpret the descriptor to determine whether storage of particular content for later consumption is permitted, in which case consumer module **34** would pass such content to storage manager **40**. In an alternative implementation, demultiplexor **22** may be configured to perform certain authorization processing, such that only data which may be recorded is passed to consumer module **34**. In addition to passing data to storage manager **40**, consumer module **34** manages consumption of the content and handles any required processing for remuneration to the provider of the content. To this end, as is discussed further below, consumer module **34** is coupled to playback device **14** (through applications module **36**) and to an external billing server **42** (through storage manager **40**).

In the particular implementation shown in **Fig. 2**, consumer module **34** is configured essentially as a control module, with particular functionality being performed by other modules in communication with consumer module **34**. For example, as noted above, functionality relating to storage and retrieval of digital content is substantially performed by storage manager **40**. Likewise, functionality related to consumption and billing is substantially performed by applications module **36**, which would itself typically comprise a plurality of submodules. However, persons skilled in the art will recognize that these are simply design details, since the functionality provided by any particular module of receiver **20** could readily be combined with that performed by any other module. The

present invention is therefore not intended to be limited to any particular design or arrangement of functional units.

Looking more closely at receiver **20** in **Fig. 2**, storage manager **40** is coupled to a storage device **38**. Storage device **38** may be implemented using any device capable of supporting storage and retrieval of digital data. For example, storage device **38** may be a hard drive installed in a computer in which receiver **20** is implemented or, alternatively, a stand-alone disk drive or other memory in communication with receiver **20**. Alternatively, storage device **38** can be some other type of remote device, such as a writeable DVD, VCR, or tape machine. In such a case, storage device **38** could be a component of playback device **14**.

Still referring to the example in **Fig. 2**, consumer module **34** and storage manager **40** are configured to provide certain protections against unauthorized uses of content stored in storage device **38**. To this end, consumer module **34** provides storage manager **40** with control information to be included with the stored content that defines the actions that should be taken when the content is later retrieved for playback. Such control information might include, for example, indicators that will cause applications module **36** to track the length of time of consumption on playback device **14** and, depending upon the descriptor information associated with any particular content, prevent consumption beyond some predetermined length of time. For instance, a provider of broadcast content, such as a movie, may wish to permit viewing only for a period of time equivalent to some number of end-to-end viewings of the movie.

Similarly, playback information tracked by applications module **36** can be used by consumer module **34** to determine a price to be paid by a consumer for consumption of the stored content. To this end, consumer module **34** can be configured to calculate a cost for an anticipated or completed consumption and communicate such information to a consumer through, for example, playback device **14** or some other user interface, such as a monitor or display associated with receiver **20**. Consumer module **34** can also be

configured to secure any necessary payment for such consumption using any of a variety of known methods for automated payment. Included among such methods are charging to a credit card or providing authorization to withdraw payments from a specified bank account. For such purposes, receiver **20** can communicate with billing server **42** through
5 an external network connection **44**. Network connection **44** may comprise, for example, an Internet connection or a connection to a cable operator of the type used for cable-based Internet access, and can be used to exchange billing information and approvals between receiver **20** and billing server **42**.

As an alternative to such payment methods, it is possible to use so-called "smart
10 cards," whereby the smart card permits its holder to debit a predetermined amount of money corresponding to the cost of any given consumption activities. In accordance with such an arrangement, for example, a provider of broadcast content can sell a smart card to a consumer, either in conjunction with or separate from the provision of content, and the consumer would then be able to debit the cost for subsequent consumption(s) of stored
15 broadcast content from the value of the card. In support of such an arrangement, receiver **20** or playback device **14** could be configured with a device capable of reading/updating the value stored on the smart card. Alternatively, a similar type of arrangement could be implemented through software (i.e., a "virtual smart card"), thereby eliminating the need for physical cards and associated equipment.

20 In accordance with another variation on the embodiments described above, consumer module **34** can be configured to provide additional protections against unauthorized use of recorded content through the use of known encryption and certification techniques. For example, content to be stored in storage device **38** for later consumption can be encrypted such that it can only be decrypted for playback by a viewing or
25 consuming device that is configured to present appropriate authorization credentials. Such an approach would protect against an authorized consumer making copies of the content recorded on storage device **38** and then distributing such copies to unauthorized

consumers. Similar encryption techniques can be used to ensure that the recorded content can only be played back using a device containing a specified CPU. For instance, an identifier for a CPU in receiver **20** can be specified in header information stored with the broadcast content in storage device **38**. Using appropriate techniques, the content can be encrypted and recorded in a way that prevents decryption by any device other than the one having the specified CPU.

By way of further illustration, **Fig. 3** presents a flow diagram describing a general method for controlling the use of broadcast content in accordance with another embodiment of the present invention. Such a method may be performed, for example, using the structures illustrated in **Figs. 1 and 2** above. As shown, the method involves receiving broadcast content (**Step 100**), extracting control information from the received broadcast content (**Step 110**), and controlling playback of the broadcast content in accordance with the extracted control information (**Step 120**). Consistent with the discussion set forth above, such a method can be modified to include a step of storing the received broadcast content. Such a step would typically, though not necessarily, be performed after the extraction of control information to permit a determination of whether recording is authorized. Likewise, such a method could include steps such as determining the cost for displaying or otherwise consuming the recorded material, and determining how that cost will be charged.

Embodiments of the present invention may be distributed, for example, as a set of instructions residing on a storage medium. Such a storage medium might be a memory of a computer; a piece of firmware; a portable storage device, such as a diskette or other magnetic storage device, or a CD-ROM; or any other medium on which it is known to store executable instructions.

In view of the descriptions set forth above, it will be appreciated that embodiments of the present invention can advantageously be applied to enable consumers to record pay-per-view (PPV) broadcast material for viewing at their convenience. With such

embodiments, consumers can record broadcast material, such as PPV television specials, concerts, or sports events, and then pay only if and when they watch the material. As an added benefit, such embodiments permit consumers to have access to VCR-type features (e.g., pause, rewind, fast forward) when viewing PPV material. Likewise, embodiments of
5 the present invention, if widely implemented, would allow broadcasters more flexibility in offering PPV selections. In effect, broadcasters gain access to more screens for presentation of PPV selections (i.e., by virtue of multiple playback/payment opportunities), thereby offering marginal revenue increases.

The foregoing is a detailed description of particular embodiments of the claimed
10 invention. However, the claimed invention also embraces all alternatives, modifications and variations that fall within the letter and spirit of the appended claims, as well as all equivalents of the claimed subject matter. For example, the embodiments described above are not limited to application solely with television broadcast content, but can instead be readily extended to other forms of digital content distribution. As just one example, such
15 embodiments can be used to apply pay-per-use functionality to music distributed in digital form over the Internet (e.g., in MP3 format). Similarly, such embodiments could be applied to the distribution of books or other literary material over the Internet. Persons skilled in the art will recognize that many other alternatives, modifications and variations are also possible.

What Is Claimed:

- 1 1. A system for controlling use of broadcast content, said apparatus comprising a
2 receiver in communication with a source of broadcast content and a playback device,
3 wherein the receiver is configured to control the use of received broadcast content through
4 the playback device in accordance with control information embedded in the broadcast
5 content.
- 1 2. The system of claim 1, further comprising a storage device coupled to the receiver.
- 1 3. The system of claim 2, wherein the receiver is further configured to selectively
2 store broadcast content in the storage device based on the embedded control information.
- 1 4. The system of claim 1, wherein the receiver is further configured to maintain
2 information relating to the use of the received broadcast content through the playback
3 device.
- 1 5. The apparatus of claim 4, wherein the receiver is further configured to use the
2 information relating to the use of the received broadcast content for remuneration of a
3 provider of the broadcast content.
- 1 6. The apparatus of claim 5, wherein the information relating to the use of the
2 received broadcast content comprises a duration of use.
- 1 7. A method for controlling the use of broadcast content, said method comprising:
2 receiving broadcast content;
3 extracting control information from the received broadcast content;

4 controlling use of the received broadcast content in accordance with the extracted
5 control information.

1 8. The method of claim 7, wherein the extracted control information comprises an
2 authorization to store the received broadcast content.

1 9. The method of claim 7, wherein the extracted control information indicates a
2 number of times that the received broadcast content may be consumed.

1 10. The method of claim 7, wherein the extracted control information indicates a length
2 of time that the received broadcast content may be consumed.

1 11. The method of claim 7, wherein the extracted control information indicates a time
2 period during which the received broadcast content may be consumed.

1 12. The method of claim 11, wherein the time period comprises a date range.

1 13. The method of claim 7, wherein the extracted control information comprises billing
2 information.

1 14. The method of claim 13, wherein the billing information comprises a cost for
2 consumption of the broadcast content.

1 15. The method of claim 7, wherein said controlling use comprises preventing use of
2 the broadcast content other than as specified by the extracted control information.

1 16. The method of claim 7, further comprising obtaining payment information from a
2 user of the received broadcast content.

1 17. The method of claim 7, further comprising communicating consumption
2 information to a billing facility.

1 18. The method of claim 17, wherein the billing facility comprises a facility maintained
2 by a provider of the received broadcast content.

1 19. A storage medium containing a set of instructions for execution by a computer, the
2 set of instructions including instructions for:
3 receiving broadcast content;
4 extracting control information from the received broadcast content;
5 controlling use of the received broadcast content in accordance with the extracted
6 control information.

1 20. The storage medium of claim 19, wherein the storage medium comprises a memory
2 accessible by the computer.

1 21. The storage medium of claim 19, wherein the storage medium comprises a portable
2 storage device.

Abstract of the Disclosure

A system for controlling use of broadcast content is described. In accordance with a particular implementation, the system includes a receiver in communication with a source of broadcast content. The receiver also includes, or is coupled to, a playback device. The receiver is configured to control the use of received broadcast content through the playback device in accordance with control information embedded in the broadcast content.

5

Patent #: 2010/0112111 A1

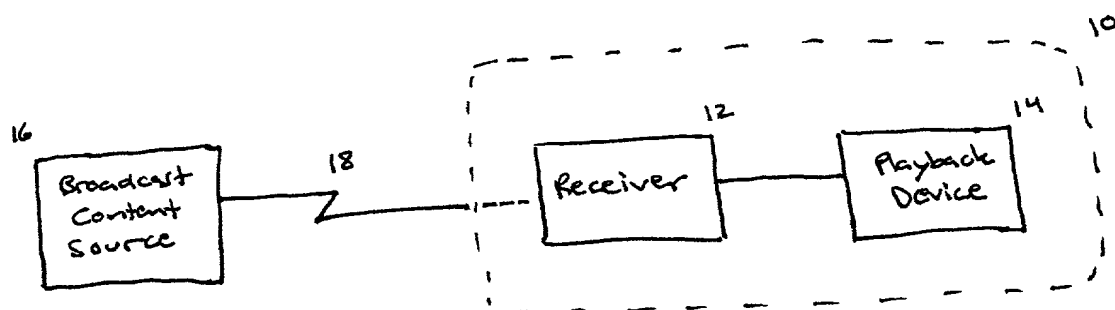


Fig. 1

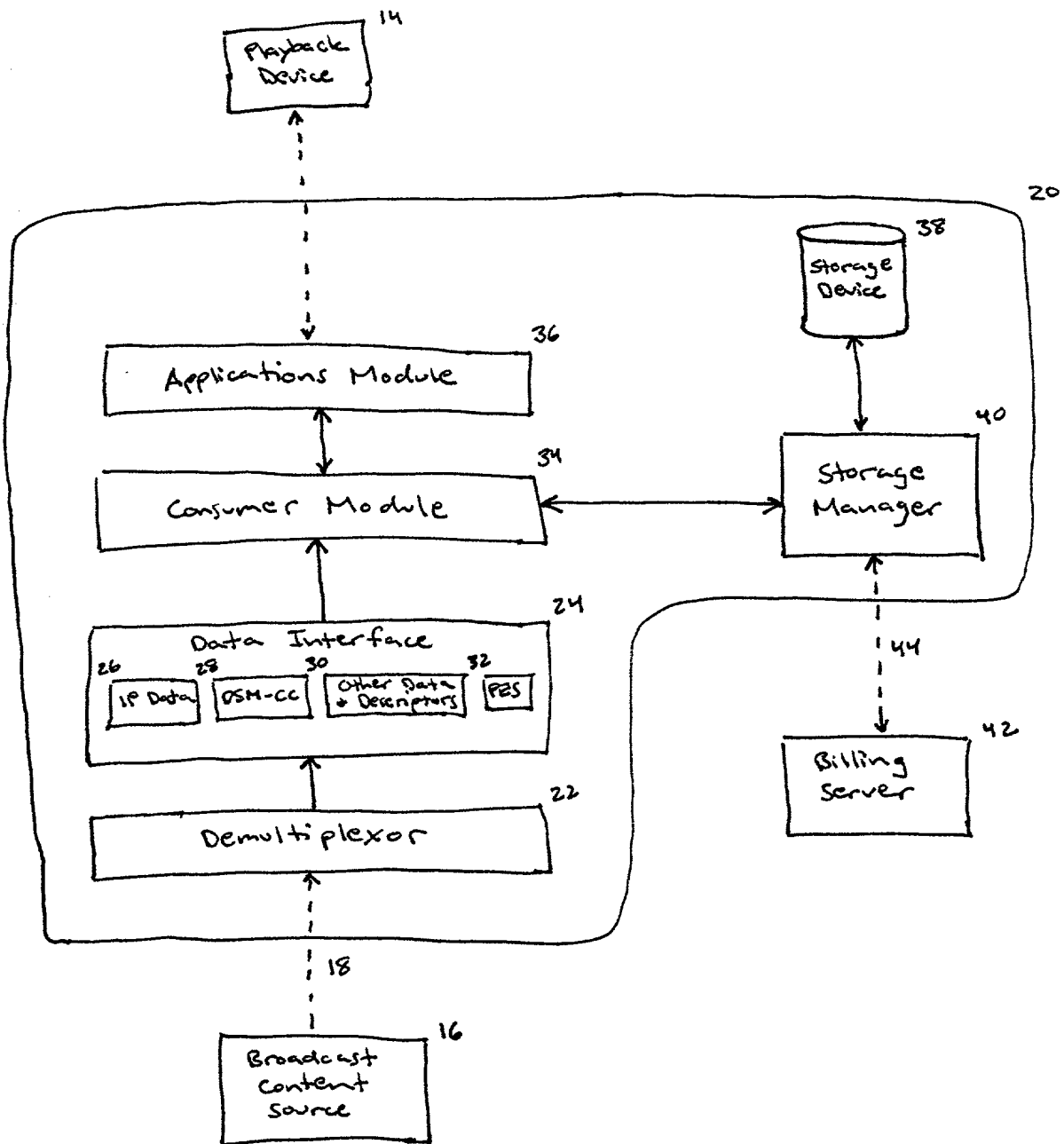


Fig. 2

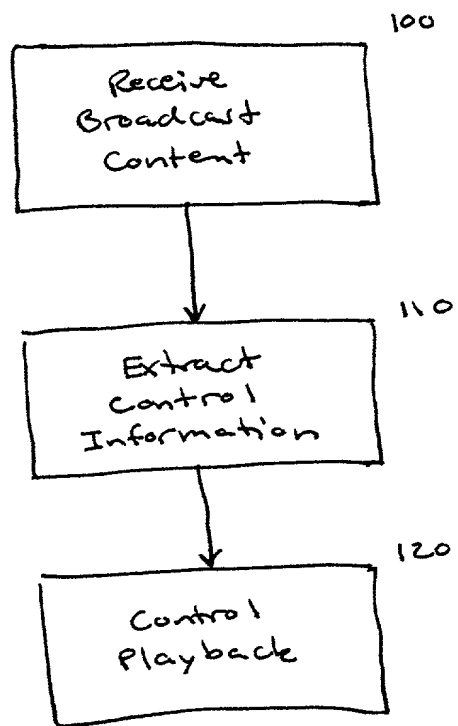


Fig. 3